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Subject: TRADEMARK APPLICATION NO. 78884488 - ROTO SHAVE - EMJ003USA
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UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 78/884488**MARK:** ROTO SHAVE**CORRESPONDENT ADDRESS:**

JONATHAN MOSKIN
WHITE & CASE LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-2711

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Wheel Technology
Ltd.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

EMJ003USA

CORRESPONDENT E-MAIL ADDRESS:

trademarkdocket@whitecase.com

OFFICE ACTION

ISSUE/MAILING DATE: 11/20/2007

The trademark examining attorney has carefully reviewed the request for reconsideration and is not persuaded by applicant's arguments. No new issue has been raised and no new compelling evidence has been presented with regard to the point(s) at issue in the final action. TMEP §715.03(a). Therefore, the request for reconsideration is **denied** and the final refusal is continued. 37 C.F.R. §2.64(b); TMEP §715.04.

The applicant's arguments have been previously addressed in prior Office actions and the examining attorney's prior arguments are incorporated herein by reference. The examining attorney attaches additional evidence showing that the goods are complementary and offered in the same potential trade channels to the same potential customers. *See* the attached evidence.

The applicant states:

Applicant's description of goods and the cited registration are distinct, with absolutely no overlap – albeit that both are used on a kind of hair. However, the products are used on different types of hair, are used for different purposes, and are purchased by different users. A scissor can also be used to cut hair, but that does not make it inherently similar to an electric shaver. The Examining Attorney continues to treat the goods as if they were virtually the same or directly competing. Because they are not, it bears repeating that when the goods are distinct, they need not be thought of as related.

In fact, as previously stated in prior actions, the applicant's identification encompasses the registrant's goods. The applicant's goods described as "non-electric razors" encompasses every type of non-electric razor used for any purpose, including the registrant's razors for cutting hair. Therefore, as the determination of the likelihood of confusion is made on the basis of the goods listed in the respective identifications, the applicant's argument is not persuasive.

The applicant is respectfully reminded that the likelihood of confusion is limited to the consideration of the goods and/or services in the respective identifications and not the registrant's specimen. The registrant's specimen could be merely one example of a variety of goods encompassed by the registrant's identification. In any event, the key factor is whether customers will become confused as to the source of the respective goods because of the similarities between the marks for goods offered in the same trade and to the same potential customers. As previously stated, there is a likelihood of confusion in this case.

The application will be returned to the TTAB for the resumption of the appeal process.

/Brian Pino/
Examining Attorney
Law Office 114
571.272.9209
571.273.9114 Law Office Facsimile

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the

assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

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STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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<input type="checkbox"/>	<input type="checkbox"/> Beauty supplies and barber supplies	<input type="checkbox"/> Account	<input type="checkbox"/> Search	<input type="checkbox"/> View Cart	<input type="checkbox"/> Checkout
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A Place for Cutting and Connecting

The Style at Freeman's Is About More Than Just Hair, It's About Giving Customers a Place to Belong

By Aruna K. Jain
Washington Post Staff Writer
Thursday, September 29, 2005; T14

The sounds of rhythm and blues singer Usher pulse in the air-conditioned barbershop. On a recent warm Saturday morning, men and boys walk in and sit to await their turns in the chair. Some of them are here for a cut, others a taper or a quick shape-up.

Brian White bobs his head to the music as he guides an electric razor across the hairline of a young customer. A few chairs over, Tony Beckham, another barber cutting a client's hair, blurts out: "Do you know why there's so much air in potato chip bags?"

The chips, he explains, emit gases over time that must be absorbed by the air in the bag. "Otherwise, the bag will explode!" he says, to laughter all around.

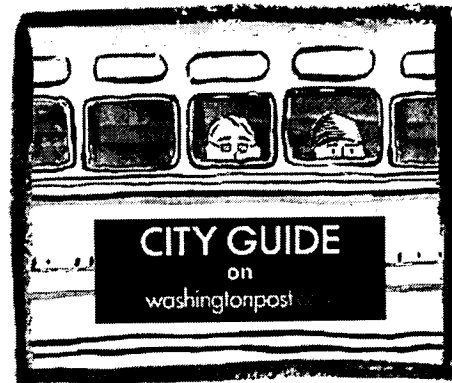
Walk into Freeman's Barber Shop in Largo, and there's a good chance that the barbers and their clients will be engaged in a robust discussion about, well, anything -- politics, the Redskins, gas prices, that green stuff in fruitcake or, recently, hurricanes.

Generally, a good haircut is what makes a barbershop or hairstyling salon a hit. But in the case of Freeman's, it's more than the cut that draws clients in. At Freeman's, the haircuts are good, the discussion is G-rated and the barbers are friendly. But it is Robert Freeman, 39, the shop's owner, with his easygoing manner and his philanthropic ways, who keeps many of the clients coming back.

Freeman's personality and generous nature, even toward people he has never met, are among the reasons J.D. Bynum, a part-time Metro employee who lives in Silver Spring, said he drives to Largo for haircuts.

"The atmosphere, the people, it's all great," Bynum said.

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Lt. Gov. Michael S. Steele, a regular, agrees.

"That's my barbershop," Steele (R) said recently. "That's where I go and hang out to look respectable."

Freeman, a native of Georgia and the son of a barber, works full time for the federal government, but he has turned his small side business into a way to invest in his community.

His projects include raising money for scholarships and sending kids to Wizards basketball games. He took more than 50 kids to the UniverSoul Circus in Landover Hills in June. He hires teenagers to work in his shop, but only if they keep their grades up.

Freeman supports Little League teams and high school marching bands. His shop offers blood pressure screenings and forums on breast and prostate cancer. His signature charity event is an annual college scholarship. Freeman raises \$4,000 to \$8,000 in donations each year and awards scholarships of \$500 or \$1,500 for college or vocational school.

In recent weeks, Freeman put the word out that his shop had started a new fundraising venture, to help victims of Hurricane Katrina. The idea came after longtime customer Don Jackson, 53, of Suitland mentioned to his buddies in the shop that he had relatives on the Gulf Coast who needed help. The shop adopted his family, who are now staying in Clinton, and started collecting donations for them and other hurricane victims.

Perfecting the Personal Touch

Veteran barber Buddy Owens said the shop works hard to win over clients.

"What we stress is family orientation," Owens said. "There's no cursing or lewd behavior. It's a place where families come to be comfortable."

Freeman started cutting hair as a teenager in his father's shop in Milledgeville, Ga. After moving to the District in 1989 to work for the government, he continued to cut hair in his spare time.

He opened his first shop on Central Avenue in Capitol Heights. After that business was on solid footing, he opened two others, in Largo and Laurel. In addition to those three shops, he also still runs his father's shop in Milledgeville, which he visits about every three weeks.

Freeman said he plans to install free wireless communication in his shops. He figures he can boost business that way and at the same time extend his investment in the community.

In fact, as Freeman sees it, the connection between business and community is a no-brainer. He said that giving back is a way for businesses to establish loyalty and create a sense of belonging in the community.

"I feel like that's home base, and I need to stay very connected," Freeman said of the Mitchellville, Largo, Kettering and Capitol Heights area he serves. "It makes me feel really good when a customer says, 'Really appreciate what you all do for the community.'"

Freeman pointed to a neighboring business that recently donated three weeks' worth of dinners to the Jackson family.

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"We can all go to the Red Cross or the Salvation Army," Freeman said. "But this way, there's a more personal feel to it."

On a busy day before the start of school, two children are in the front of the Largo shop selling hot dogs and popcorn for the scholarship fund.

Inside, about 25 other children and adults watch a DVD, the Ice Cube comedy "Are We There Yet," on one of the shop's two television sets as they await their turns in the barber's chair.

One woman is reading a "Sesame Street" book to her daughter while her son gets his hair cut. A man reads a newspaper with his grandson propped on his knee. Two elementary-age kids thumb-wrestle. With the sound of electric razors in the background, some in the shop use the time to simply doze.

Reginald Agbebaku, 13, is wide-awake as he sits in Beckham's chair. A new ninth-grader at Archbishop Carroll High School in the District, the teenager wants to look sharp for the start of the school year.

"You want your neck boxed out or faded?" Beckham asks.

"Faded," Agbebaku replies.

And he wants thin sideburns. "Oh, okay, you want a teenager's cut," Beckham says. "You're not a kid anymore, huh?"

At Freeman's, the staff and clients often recognize or even celebrate milestones.

Elias Lartey, 13 months old, is about to mark a major one: getting his first haircut.

As he has done for so many little ones before Elias, Beckham places the boy on a cushion in the chair, takes a pick and pulls out the soft curls. Elias works on a lollipop, drools and squirms while Beckham gathers clumps of hair and cuts gently with long, silver-colored scissors.

Elias's father stands nearby to receive the curls for a baby book. After all the wriggling, Elias is handed a certificate that reads: "Elias Lartey has bravely met all the requirements of receiving his first haircut and has graduated from babyhood on the 20th of August, 2005."

Conversation and Community

At Freeman's, clients and barbers get to know each other, sharing details about their lives and their dreams.

There's Angela Norwood, the barber who also teaches English at Prince George's Community College. And Alex Deal, the barber who is studying at the University of Maryland, College Park for a degree in computer science.

The shop is a place where clients and their barbers can catch up on each other's family members and the latest news in the community. It's a place where they can pontificate about current events and chat about the hottest cars and the week's big game.

Freeman's and its people are so lively that every now and then the barbers are featured on a weekly radio program called "The Barber Shop Show" on WOT.

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Freeman's and its people are so lively that every now and then, the barbers are featured on a weekly radio program called "The Barber Shop Show" on WOL 1450 AM. The show, featuring other barbershops in the D.C. area as well, tries to capture the mood and pulse of communities by talking to those who often are the ears of the neighborhood.

Brian White interrupts the cut he is giving a boy to make a point. "Can I bring something to your attention?" he says, as eyes turn toward him.

"That same 12 to 15 gallons of gas in your tank is burning faster than it did before, did you notice that?" says White, who is frustrated because he recently had to pay \$45 to fill his vehicle. "They're charging us more for less."

He holds up his hands in resignation: "Who wants to start riding a bike?"

Nobody answers, but Beckham, a member of the Air Force Reserve, offers that jet fuel is less expensive than car fuel. Nobody believes him, so he abruptly stops cutting his client's hair to make a phone call. "How much is a gallon of jet fuel," Beckham asks the person at the other end of the line.

He puts the phone on speaker, and the person he called at Andrews Air Force Base confirms that jet fuel is indeed cheaper than car fuel.

"This is a little trivia you can throw out at a cookout," Beckham says.

And so goes the discussion until Norwood, tired of the meandering chitchat and calls for quiet time.

"Can't we have a moment of silence?" she asks. "Can't we put music on?"

Her co-workers shake their heads.

"Come on," White says. "It's a barbershop."

Staff writer Yawandale Birchett-Thompson contributed to this story.

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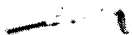
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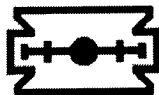
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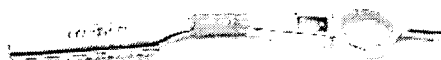
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Accessories

KAMISORI Swivel Feather Razor PINK H-3



Ergonomic, balanced handle with rotating swivel ring. No-slip grip.
Stainless steel. Achieve advanced texturizing techniques with this
premium razor.

Regular Price: \$34.95
Promo Sale Price: \$24.95 Shipped Free!

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KAMISORI Swivel Feather Razor BLUE H-3



Ergonomic, balanced handle with rotating swivel ring. No-slip grip.
Stainless steel. Achieve advanced texturizing techniques with this
premium razor.

Regular Price: \$34.95
Promo Sale Price: \$24.95 Shipped Free!

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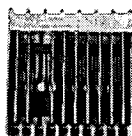




VISA



KAMISORI Swivel Feather Razor REFILL BLADES H-3BL



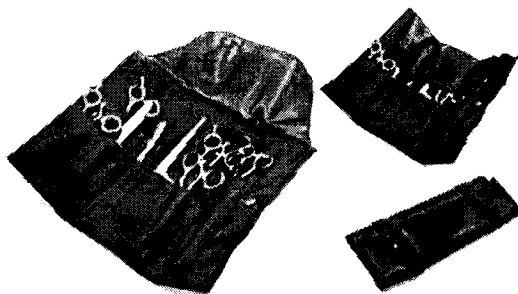
Refill blades for Kamisori H3 razors. 10 blade pack.

Regular Price: \$24.95

Promo Sale Price: \$19.95 Shipped Free!

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Genuine Leather Scissor Case C-7



Conveniently store and carry up to 14 scissors and accessories.

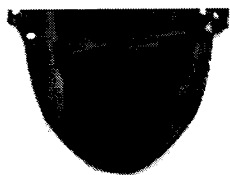
Regular Price: \$39.95

Promo Sale Price: \$29.95 Shipped Free!

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Genuine Leather Scissor Holster C-4





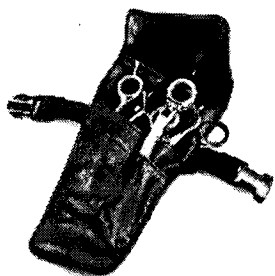
Conveniently carry up to 5 scissors and accessories with this leather holster. 4 sleeves and 1 large inner sleeve. Worn around waist.

Regular Price: \$29.95

Promo Sale Price: \$19.95 Shipped Free!

[Add to Cart](#)

Genuine Leather Scissor Holster C-8



Conveniently carry up to 2 scissors and 2 small accessories with this leather holster. 4 sleeves. Worn around waist.

Regular Price: \$19.95

Promo Sale Price: \$14.95 Shipped Free!

[Add to Cart](#)

KAMISORI Single Scissor Case C-1





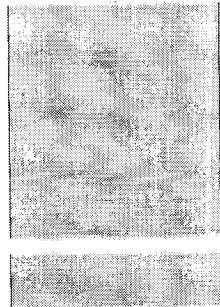
All of our haircutting and thinning scissors come in this beautiful deluxe case. Stores one haircutting or thinning scissor.

Regular Price: \$14.95

Promo Sale Price: \$8.95 Shipped Free!

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KAMISORI Double Scissor Case C-2



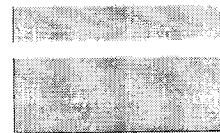
All of our hair scissors sets come in this beautiful deluxe case. Stores two haircutting or thinning scissors.

Regular Price: \$19.95

Promo Sale Price: \$14.95 Shipped Free!

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KAMISORI Grooming Long Scissor Case C-3



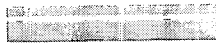


All of our grooming scissors come in this beautiful deluxe case.
Stores one grooming scissor up to 10" long.

Regular Price: \$19.95

Promo Sale Price: \$14.95 Shipped Free!

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Nutrition & Fitness (2)

Brand

Any Brand

Wahl (23)

Braun (30)

Norelco (49)

Princereigns (3)

Omega (31)

Panasonic (25)

Gillette (59)

Remington (45)

Sharper Image (1)

Removing ingrown hairs and razor bumps (1)

Cala (2)

Razorba (1)

> See more...

Health & Personal Care > "razor hair"

Showing 1 - 24 of 769 Results

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Sort by Relevance

1.



Wahl 79524 26-Piece Deluxe Hair Clipper Kit

~~\$34.99~~ \$30.53

Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.

Eligible for **FREE Super Saver Shipping**.

★★★★★ (174)

> Show only Wahl items

2.



Braun 8000FC Activator Combi-Pack Foil and Cutterblock Replacement Parts for Braun's Activator Razor Models 8595 and 8585

~~\$34.99~~ \$28.99

Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.

Eligible for **FREE Super Saver Shipping**.

★★★★★ (56)

> Show only Braun items

3.



Philips Norelco 8140XL SpeedXL Men's Shaver

~~\$439.99~~ \$77.99

Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.

Eligible for **FREE Super Saver Shipping**.

★★★★★ (207)

> Show only Phillips Norelco items

Seller

Any Seller

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PresentsForU (75)

AmericaRx (75)

CacheBeauty (71)

HairProducts-com (70)

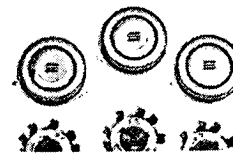
4.



5.



6.



More Products from (10)
 Target (66)
 PresentsForYou (61)
 Perfect Beauty (45)
 Picnic World Plus (36)
 Cozy Cook (36)
 DiscountJungle (33)
 Brand Variety (32)
 > See more...

Price
Any Price

\$0-\$24 (474)
 \$25-\$49 (170)
 \$50-\$99 (78)
 \$100-\$199 (33)
 \$200-\$499 (9)
 \$500-\$999 (4)

Shop for "razor hair" in our
 Beauty Store (166)

New Arrivals



Ultimate Pro 150 Straight Razor
 Buy new: \$55.00



Double Edge Razor *
 Panular/feather



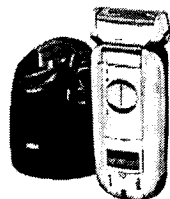
Princereigns Ingrown Hair and Razor Bump Gel
\$24.95
 ☆☆☆☆ (3)
 > Show only Princereigns items

Braun 7000 Series Syncro Pro / Syncro Replacement Combo
~~\$26.99~~ **\$21.49**
 Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.
 Eligible for **FREE Super Saver Shipping**.
 ☆☆☆☆ (79)
 > Show only Braun items



Norelco HQ8 Spectra Tripleheader Replacement Heads
~~\$47.95~~ **\$24.71**
 Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.
 Eligible for **FREE Super Saver Shipping**.
 ☆☆☆☆ (42)
 > Show only Norelco items

7.



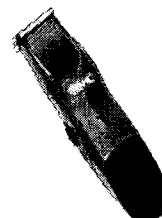
Braun 8995 360 Complete Men's Shaver
~~\$249.99~~ **\$157.59**
 ☆☆☆☆ (237)
 > Show only Braun items

8.



Braun 1775 FreeControl Rechargeable, Washable Men's Shaver
~~\$39.99~~ **\$36.99**
 Get it by **Monday, Nov 12** if you order in the next 1 hour and choose one-day shipping.
 Eligible for **FREE Super Saver Shipping**.
 ☆☆☆☆ (160)
 > Show only Braun items

9.



Wahl 9918-617 Groomsman Beard and Mustache Trimmer
~~\$24.99~~ **\$19.99**
 Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.
 Eligible for **FREE Super Saver Shipping**.
 ☆☆☆☆ (70)
 > Show only Wahl items

10.



Norelco HQ6 Quadra Action Tripleheader Replacement Heads
~~\$46.99~~ **\$27.99**
 Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.
 Eligible for **FREE Super Saver Shipping**

11.



Omega Strikey Badger Hair Shaving Brush with Stand - #63171
~~\$34.95~~ **\$24.95**
 ☆☆☆☆ (9)
 > Show only Omega items

12.



Panasonic ES246AC Bikini Shaper and Trimmer
~~\$36.99~~ **\$22.98**
 Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.
 Eligible for **FREE Super Saver Shipping**

Popular/feather
Buy new: \$19.99

Listmania!


Epila Laser Hair Remover: A
list by "coreastore"



For The Black Women 1st:
A list by Laureana B.
"Woman-Mother-Wife"

► Create a Listmania! list

Search Listmania!

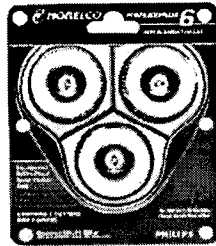
GO!

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (53)

► Show only Norelco items

13.



**Norelco HQ55PLUS Reflex Plus
Replacement Heads**
~~\$40.99~~ **\$29.98**

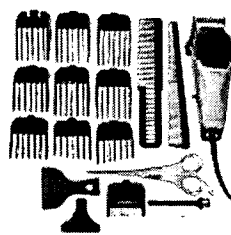
Get it by **Monday, Nov 12** if you order
in the next 3 hours and choose one-
day shipping.

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (28)

► Show only Norelco items

14.



**Wahl 79900 Clip-N-Trim 23-Piece
Clipper Kit**
~~\$34.99~~ **\$30.53**

Get it by **Monday, Nov 12** if you order
in the next 3 hours and choose one-
day shipping.

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (32)

► Show only Wahl items

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (27)

► Show only Panasonic items

15.



**Braun 8975 360 Complete Men's
Shaver**
~~\$139.99~~ **\$118.97**

Get it by **Monday, Nov 12** if you order
in the next 3 hours and choose one-
day shipping.

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (61)

► Show only Braun items

16.



**Wahl 9633-500 HomePro 11-Piece
Haircut Kit**
~~\$49.95~~ **\$10.88**

Get it by **Monday, Nov 12** if you order
in the next 1 hour and choose one-day
shipping.

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (13)

► Show only Wahl items

17.



**Philips Norelco T780
Rechargeable Vacuum Trimmer**
\$25.99

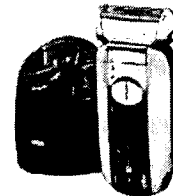
Get it by **Monday, Nov 12** if you order
in the next 3 hours and choose one-
day shipping.

Eligible for **FREE Super Saver Shipping**.

☆☆☆☆☆ (22)

► Show only Norelco items

18.



**Braun 8985 360 Complete Men's
Shaver**
~~\$169.99~~ **\$143.99**

☆☆☆☆☆ (158)

► Show only Braun items

19.



20.



21.



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Gillette Sensor Excel Cartridges, 5-Count Packages (Pack of 2)
~~\$40.29~~ **\$18.72**

Get it by **Monday, Nov 12** if you order in the next 1 hour and choose one-day shipping.

Eligible for **FREE Super Saver Shipping**.

★★★★★ (5)

> Show only Gillette items



Remington BKT-1000 Trim & Shape Bikini Trimmer
~~\$24.99~~ **\$9.99**

Get it by **Monday, Nov 12** if you order in the next 3 hours and choose one-day shipping.

Eligible for **FREE Super Saver Shipping**.

★★★★★ (29)

> Show only Remington items



Sharper Image Turbo-Groomer 5.0 Nose Hair Trimmer (SI639PLT)
~~\$59.95~~ **\$39.95**

★★★★★ (16)

> Show only Sharper Image items

22.



Princereigns Ingrown Hair and Razor Bump Removing Gel Prevents Future Ingrown Hairs and Razor Bumps While Also Removing Blemishes and Dark Spots
\$24.95

★★★★★ (1)

> Show only Removing ingrown hairs and razor bumps by softening and straightening hair follicles items

23.

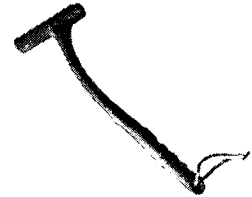


CALA Professional Quality Razor Hair Comb (Model: 70-725B)
~~\$7.95~~ **\$4.95**

★★★★★ (2)

> Show only Cala items

24.



Razorba® Back Hair Shaver
~~\$39.99~~ **\$29.99**

★★★★★ (20)

> Show only Razorba items

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